

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

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UNITED STATES OF AMERICA,)	
)	
vs.)	CRIMINAL ACTION
)	NO. 04-40019-FDS
ALEXIS MORALES,)	
Defendant)	
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**MOTION TO SUPPRESS EVIDENCE OBTAINED FROM
WARRANTLESS SEARCH AND SEIZURE OF THE DEFENDANT**

Now comes the Defendant in the above-entitled matter and respectfully moves this Honorable Court to suppress as evidence against him any and all items seized, including but not limited to crack cocaine, as a result of the warrantless seizure of the Defendant and subsequent search of the motor vehicle he was a passenger in which took place on or about June 7, 2004 on Laurel Street in Worcester, Massachusetts. The Defendant further moves to suppress any and all statements made by him during his unlawful detention as well as any "fruits" of this seizure including any statements made as result of his arrest and interrogation.

As grounds therefore, it is stated that the officers lacked reasonable suspicion to stop the car in which the Defendant was traveling, that the Defendant was ordered out of the car in violation of his rights under Article 14 of the Massachusetts Declaration of Rights, *Commonwealth v. Gonsalves*, 429 Mass. 658, 662 (1999), and furthermore, that the Defendant's Constitutional rights were violated by his continued detention after being removed from the motor vehicle in violation of the Defendant's rights

under the Fourth and Fourteenth Amendments to the United States Constitution, and Articles 12 and 14 of the Massachusetts Declaration of Rights. *Terry v. Ohio*. 392 U.S. 1, 27 (1968).

Since none of the actions of the police were supported by a warrant, the government has the burden of showing that the challenged police conduct was lawful. *United States v. Cruz*, 894 F.2d 1, 6 (1st Cir. 1990).

The Defendant reserves the right to amend or supplement this motion in response to the government's reply and to the extent that additional discovery and investigation make necessary. The Defendant requests an evidentiary hearing on this motion. A signed copy of the Defendant's affidavit will be provided prior to the hearing date.¹

ALEXIS MORALES

By his attorney

_____/”Eduardo Masferrer”/_____
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¹ Due to counsel's schedule, he did not have an opportunity to have the affidavit signed prior to the submission of this motion. Counsel has reviewed the affidavit with the Defendant.